

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

ARNOLD SMITH, and
MELINDA SMITH,

Plaintiffs,

V.

ALLSTATE VEHICLE AND
PROPERTY INSURANCE
COMPANY,

Defendant.

Case No. CIV-24-1164-SLP

ORDER


Upon review of the Complaint [Doc. No. 1], the Court finds Plaintiffs have failed to articulate any basis for federal subject matter jurisdiction.¹ Federal courts have limited subject matter jurisdiction, and a basis of federal jurisdiction must be affirmatively pleaded. *See* Fed. R. Civ. P. 8(a)(1). The Complaint [Doc. No. 1] is devoid of any discussion whatsoever regarding the existence of federal subject matter jurisdiction. To the extent subject matter jurisdiction is premised on diversity of citizenship under 28 U.S.C. 1332, Plaintiffs fail to allege their state of citizenship, i.e., domicile. *See Siloam Springs Hotel, L.L.C. v. Century Sur. Co.*, 781 F.3d 1233, 1238 (10th Cir. 2015) (“An individual’s residence is not equivalent to his domicile[,] and it is domicile that is relevant for determining citizenship.”). Therefore, Plaintiffs have failed to carry their burden, as the

¹ “[F]ederal courts unquestionably ‘have an independent obligation to determine whether subject-matter jurisdiction exists, even in the absence of a challenge from any party.’” *Havens v. Colo. Dep’t of Corr.*, 897 F.3d 1250, 1260 (10th Cir. 2018) (quoting *Arbaugh v. Y&H Corp.*, 546 U.S. 500, 514 (2006)).

parties invoking federal jurisdiction, to establish the existence of complete diversity of citizenship between the parties.

IT IS THEREFORE ORDERED that Plaintiffs shall file an amended complaint to sufficiently allege the existence of federal subject matter jurisdiction within 14 days of the date of this Order. Failure to timely comply with this Order may result in dismissal of this action without prejudice.

IT IS SO ORDERED this 8th day of January, 2025.



SCOTT L. PALK
UNITED STATES DISTRICT JUDGE